

STANDARD APPLICATION
Harford County
Board of Appeals

Bel Air, Maryland 21014

APR 13 2004

Case No. 5422
Date Filed 4-8-04
Hearing Date _____
Receipt _____
Fee \$50

Shaded Areas for Office Use Only

Type of Application

CASE 5422 MAP 56 TYPE Variance

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☒ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction

ELECTION DISTRICT 1 LOCATION 421 Fox Catcher Road, Bel Air, Md. 21015

BY Michael and Mary Riley

Appealed because a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow an addition within the required 35 foot rear yard setback (proposed 29 feet) in a R2/COS District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Michael Riley Phone Number 410-515-4140
Address 421 Fox Catcher Rd Bel Air MD 21015
Street Number Street City State Zip Code

Co-Applicant MARY Riley Phone Number 410-515-4140
Address 421 Fox Catcher Rd Bel Air MD 21015
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 421 Fox Catcher Rd
Del Air MD 21015

Subdivision HUNTERS RUN Lot Number 47

Acreage/Lot Size 70' x 110' Election District 01 Zoning R2/COS

Tax Map No. 0056 Grid No. 0002E Parcel 0581 Water/Sewer: Private _____ Public ☒

List ALL structures on property and current use: 2 STORY HOUSE WITH PATIO AND DECK.

Estimated time required to present case: _____

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? No

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

Request

A VARIANCE IS REQUESTED TO CONSTRUCT A 16' X 18'
SUNROOM ATTACHED TO THE REAR OF THE house. THIS
SUNROOM WILL REPLACE THE EXISTING DECK.
— SEE ATTACHED DOCUMENT —

Justification

SEE ATTACHED DOCUMENT

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

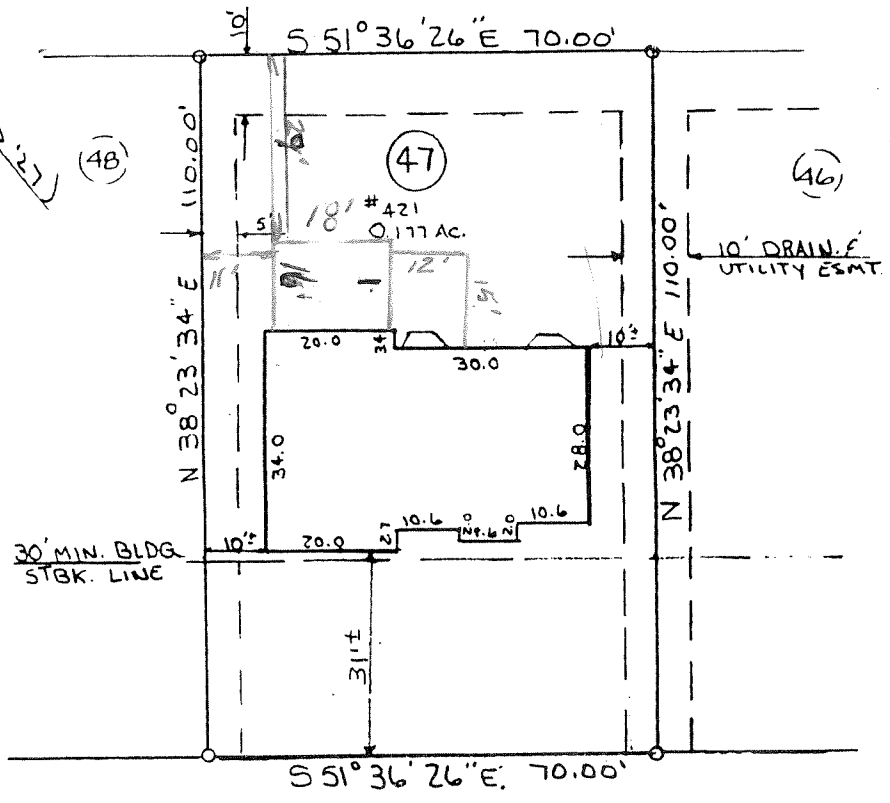
Applicants: Michael and Mary Riley

**REQUEST: Variance to allow an addition within the required 35 foot rear yard setback;
421 Fox Catcher Road, Bel Air 21015.**

DESCRIPTION:

The property is a small, 0.177 acre, rectangular shaped lot which slopes downhill from left to right in the rear of the dwelling. The property is improved by a two-story dwelling with an attached two car garage and a concrete patio attached to the rear. The existing deck is located in the rear on the left side of the dwelling. The deck is just about ground level on the left side, requiring just two steps. The right side of the deck (18' across) is 5' above the ground. The planned sunroom will replace the deck since the left side of the dwelling is almost ground level. In addition, an attached 16'x22' concrete patio is located on the right side of the dwelling. A 3' high block wall located next to the patio prevents rain water from running onto the patio and settling near the foundation. Granting this minor variance to extend the addition to 16' will aid with keeping the water away from the patio and dwelling. Also, the existing dwelling has been placed back 31' 10" instead of the required 30' front setback, decreasing the rear yard space. If not for this minor variance, a 7' addition would have to be constructed which is not reasonable.

We have discussed this project with our adjacent neighbors and found they support the addition. Just as the existing deck, which has been in use since 1997, has not had any adverse impact on adjacent properties, nor will this addition. The dwelling itself backs to a 43 acre wooded area leaving just two neighbors on each side. The addition will have a positive impact on the value of surrounding properties as the structure will appear to be part of the original construction. Currently, there are 15 other properties in this development with attached additions.



FOX CATCHER ROAD
(50' R/W)

FLOOD NOTE:
THIS IS TO CERTIFY THAT THE LAND SHOWN
HEREON IS NOT WITHIN THE FLOOD ZONES
AS SHOWN ON THE FLOOD INSURANCE
RATE MAPS AS PUBLISHED MARCH 2, 1983

* SEE REVERSE FOR ADDITIONAL NOTES



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS PLANNERS SURVEYORS AND LANDSCAPE ARCHITECTS
139 N. Main Street, Suite 200
Bel Air, Maryland 21014
(410) 879-1690 - (410) 836-7560
Fax: (410) 879-1820

LOCATION DRAWING
LOT 47
FINAL PLAT TWO - PHASE FOUR - SECTION TWO
HUNTER'S RUN
CGH 80 FOLIO 29
FIRST ELECTION DISTRICT
HARFORD COUNTY, MD.
FOR: MALONEY HOMES

SCALE:
1" = 30'

DATE: 10-10-96

DRAWN BY:
DG

DESIGN BY:

REVIEW BY: GK

JOB NO.:
8797

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



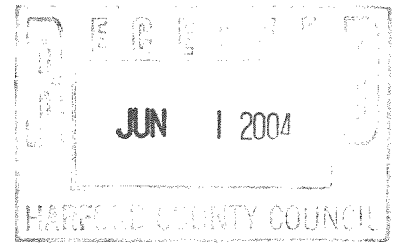
J. STEVEN KALL-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

May 27, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5422

APPLICANT/OWNER: Michael Riley
421 Fox Catcher Road, Bel Air, Maryland 21015

Co-APPLICANT/OWNER: Mary Riley
421 Fox Catcher Road, Bel Air, Maryland 21015

REPRESENTATIVE: Applicants

LOCATION: 421 Fox Catcher Road/Hunters Run
Tax Map: 56 / Grid: 2E / Parcel: 581 / Lot: 47
Election District: First (1)

ACREAGE: 7,700 square feet

ZONING: R2/UrbanResidential/Conventional with Open Space District
(R2/URD/COS)

DATE FILED: April 8, 2004

HEARING DATE: June 9, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

"A variance is requested to construct a 16'x18' sunroom attached to the rear of the house. This sunroom will replace the existing deck. (see attached document)"

Justification:

See Attachment 1.

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

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Michael & Mary Riley

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CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow an addition within the required 35-foot rear yard setback (29-feet proposed) in an R2/Urban Residential/Conventional with Open Space District.

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 2).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located to the south of the Town of Bel Air and to the east of Emmorton Road (MD Route 924). The subject lot is part of the Hunter's Run Development. The lot fronts on the northeast side of Fox Catcher Road just to the southeast of Cub Hunting Court. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

This area of the County is located within the Development Envelope. Land use designations include Low, Medium and High Intensities. The Natural Features map reflects stream buffers. The Applicants' property is located in the Medium Intensity designation, which is defined by the 1996 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, and other commercial uses are examples of some of the more intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 1996 Master Plan. The predominant land uses in this area include single-family residences, townhouses, condominiums and garden apartments. Commercial uses include individual retail businesses, shopping centers and professional and personal services. Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The Applicants' lot is rectangular in shape and is approximately 7,700 square feet in size. The lot slopes gently up from the road to the front of the house then down to the rear of the dwelling. At a point just beyond the deck the lot slopes sharply upward to the rear lot line. The lot also slopes down from the left property line to the right. This rolling topography makes it difficult to use the rear yard except for the area immediately to the rear of the dwelling. A block and stone wall had to be constructed to the side of the patio so that water would not run down directly onto the patio. Improvements consist of a brick and frame two-story dwelling with an attached two-

STAFF REPORT

Board of Appeals Case Number 5422

Michael & Mary Riley

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car garage. Other improvements include a concrete driveway, a deck on the left rear side of the dwelling and a concrete and stone patio on the right rear side. The lot is nicely landscaped and all improvements appear to be well maintained. The property backs up to a large area of dense woodland. Enclosed with the report is a copy of the topography map, an enlargement of the aerial photograph and site photographs (Attachments 8, 9 and 10).

Zoning:

The zoning classifications conform to the intent of the Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R3/Urban Residential Districts. Commercial zoning includes B1/Neighborhood, B2/Community and B3/General Business Districts. The subject property is zoned R2/Urban Residential District. Enclosed with the report is a copy of the Zoning Map (Attachment 11).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-36B, Table V of the Harford County Code to allow an addition within the required 35-foot rear yard setback (29-feet proposed) in an R2/Urban Residential/Conventional with Open Space Development.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The topography ranges from rolling to steep, making most of the rear and side yards difficult to use. The proposal is to add an addition to the rear of the dwelling for additional living space, and will also aid in directing water run off away from the foundation of the dwelling. There is a large, densely wooded area to the rear of the property, therefore the addition will not adversely impact any adjacent residential uses.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department recommends that the requested variance be approved subject to the Applicants obtaining all necessary permits and inspections for the construction of the addition.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka